

DAVID MYERLE.

[To accompany bill H. R. No. 345.]

MARCH 19, 1860.

Mr. TAPPAN, from the Committee on Claims, made the following

REPORT.

The Committee on Claims, to whom was referred the memorial of David Myerle, having had the same under consideration, submit the following report:

This claim is founded upon losses sustained and sacrifices made by the claimant in demonstrating the practicability of water-rotting American hemp, under the direction of Hon. James K. Paulding, as Secretary of the Navy of the United States.

The testimony shows that the claimant, in the year 1839, at the earnest solicitation of Mr. Paulding, who was then Secretary of the Navy, embarked upon the enterprise of demonstrating the practicability of water-rotting American hemp, which was then forbidden by a fallacious but inveterate and obstinate prejudice against the process, arising from the popular belief that it was prejudicial to health, dangerous to life, and, therefore, impracticable in our climate.

Mr. Paulding, in his deposition, (Report Court of Claims, Doc. No. 81, 34th Cong., 3d sess., page 16,) says "that he presided over the Navy Department of the United States a greater portion of the administration of President Van Buren, and that while occupying that station his mind had been frequently drawn to a consideration of the practicability of procuring a supply of American water-rotted hemp adequate to the want of the United States navy, and thus rendering it independent of foreign nations for that indispensable article; that it was within his official knowledge that attempts have been made by more than one of his predecessors, as well as by Congress, for the attainment of that object, but had invariably failed, owing in a great measure, if not entirely, to an impression universally prevailing in the hemp-growing districts that the preparation of water-rotted hemp was an employment more or less fatal to themselves, their horses, and the cattle engaged in that operation; that while at the head of the Navy Department Mr. Myerle, then an entire stranger to the deponent, called on him with reference to certain improvements he had made in the machinery for manufacturing cordage, which he was desirous of introducing into the navy; that the deponent, perceiving

in the course of conversation that Mr. Myerle was an ardent, intelligent, and enterprising man, well acquainted with the manufacturing of hemp, took occasion to introduce the subject of water-rotting, and to suggest that it might be made advantageous to him to engage in that business; that Mr. Myerle, in reply, stated, in substance, that though he felt assured the general belief which prevailed throughout the hemp districts that it was an occupation dangerous to all those engaged in it was without foundation, yet, being at that time engaged in a profitable business, he was not willing to relinquish it for one which he foresaw would be attended with almost insurmountable obstacles, and a failure of which would involve him in great pecuniary loss.

“The deponent further said that, in order to obviate this objection, he assured Mr. Myerle that the department would take care he should be recompensed for any loss he might ultimately sustain in consequence of a failure of the experiment; and the deponent avers that he was induced to make this promise solely in the hope of being instrumental in conferring a great benefit on his country, and under a full conviction that if he remained in office he would redeem his pledge without transcending his powers or violating any existing law. Influenced, as this deponent fully believes, by these assurances, as well as by motives of patriotism, Mr. Myerle finally acceded to his proposition, and a contract was accordingly entered into with him for two hundred tons of American water-rotted hemp, on terms which it was presumed would afford him a liberal profit, and sufficient time to make deliveries. Mr. Myerle made no application for a contract; the proposal came from this deponent.”

It appears from the testimony of the same deponent (Report Court of Claims, Doc. No. 81, p. 17) that the contract with the claimant was afterwards increased to five hundred tons of hemp, in order to encourage him in his undertaking.

The price stipulated to be paid to the claimant for the hemp was three hundred dollars per ton, and the cost of the article to the claimant, at the place of delivery for inspection, was one hundred and seventy dollars per ton. It appears that the claimant embarked diligently upon the enterprise, and, after several years of perseverance against formidable obstacles, succeeded in demonstrating the fallacy of the prejudice against the process of water-rotting hemp, and offered several shipments for inspection at the navy yard at Boston, and that the same was rejected. On the unfairness of the rejection Mr. Paulding, in a letter to the claimant, dated at Hyde Park, Dutchess county, New York, says:

“Had I been at the head of the Navy Department at the time your hemp was rejected, I would most assuredly have taken upon myself the responsibility of directing it to be received, notwithstanding it was reported somewhat inferior, not in quality, I believe, but in cleanliness, or something of that sort. I have always suspected that wrong was done you by the persons who made the trial, in consequence of some secret influence exercised over them; and this suspicion was verified to me by the late Commodore Nicholson about three years ago. The commodore succeeded to the command of the yard at

Boston, and assured me you had not justice done you in the trial. Satisfied of the great importance of the object aimed to be accomplished, had I not been prevented by a political revolution, I would have fulfilled every pledge I made you to the very letter, and at least saved you from any loss after all the labor and risk you incurred. *You were the very man I wanted for such an undertaking; you were neither too prudent nor too rash; you were willing to risk the labor of an experiment at that time considered almost hopeless; and you had the best of all support, a reliance on Providence. I saw at once you would succeed, if any man could; and you did succeed where I verily believe not another man in the United States would have done so.*"

The same gentleman, in his deposition, (Rep. C. C., Doc. No. 81, 34 Cong., page 17,) says:

"Mr. Myerle, having at length surmounted all obstacles in his way, delivered a quantity of American water-rotted hemp at the Boston navy yard. Inspectors were appointed to test it with the best quality of Russian hemp, and that, according to their report transmitted to the Navy Department, Mr. Myerle's hemp proved decidedly superior in strength, and fully equal in other respects, except that it, or a portion of it, was somewhat deficient in cleanliness; that on this ground Mr. Myerle's hemp was rejected, and with what consequence, as this deponent cannot speak from his own personal knowledge, he will not pretend to state.

"And this deponent further saith, that in consequence of a change of administration, he had resigned his station as head of the Navy Department, just about the period at which the preceding transaction took place, but he avers that had he remained in office he would have taken effectual measures to remedy as far as possible the injustice of the decision of the inspectors at Boston, by causing his hemp to be received, as he was then, and still is, of opinion that the superiority of Mr. Myerle's hemp in strength more than counterbalanced any alleged inferiority in cleanliness, and that he had substantially fulfilled his contract according to the understanding of the parties."

The testimony of Mr. Paulding as to the wrongful rejection is corroborated by the testimony of other deponents. Of the quality of the rejected hemp, Israel Lombard, a merchant of Boston, in his deposition, (Rep. C. C., Ho. Doc. No. 81, 34 Cong., page 49,) says:

"The quality, in my opinion, was fully equal to that of the best Russian hemp; we delivered samples of some seventy tons, all of which were rejected; the only particular reason for the rejection assigned to me was, that the fibre was too long to work to advantage; the general answer to my inquiries was, that it would not answer. I have no knowledge of American hemp prior to the year 1842 or 1843; I was well acquainted with the quality of Russian hemp, and had dealt largely in it prior to that time. The seventy tons of which I have spoken were consigned to my firm, of Lombard & Whitmore, by Mr. Myerle from St. Louis, to be delivered at the navy yard. The fibre of this hemp was much longer than that of Russian hemp, and, in my opinion, better on that account for making into cordage; subsequently, I do not recollect precisely at what time, we sent the samples of another parcel of about half a ton of the same description, which was received; I do not think it was any better than the first parcel."

Upon the same subject Benjamin Sewall, a merchant of Boston, in his deposition, same document, page 51, says :

"I was acquainted with the qualities of water-rotted and dew-rotted hemp ; have been familiar with hemp from having dealt in it for a long time, both in buying and selling ; I know that I purchased from Lombard & Whitmore, in the year 1843, water-rotted hemp, which I understood was furnished by David Myerle for the use of the navy yard, and found it a very perfect article—clean, free from tow, and of strong fibre ; do not know that American water-rotted hemp had been furnished to the navy prior to 1840, or to the Boston market."

Messrs. Lombard & Whitmore, merchants of Boston, in a letter addressed July 19, 1848, to Hon. Daniel Webster in regard to the quality of Mr. Myerle's hemp, say :

"We learned from several of the rope makers in the navy yard that they did not like to work it, because the fibre was of such great length. A most extraordinary reason truly, if meant to apply as an objection to the quality ; for when the fibre is clean, fine, strong, and of bright color, (as was these parcels,) the length of the fibre is in its favor."

The testimony of Jacob Hall, of Missouri, and James Story, of Kentucky, goes to show that there existed some unfair obstacle in the way of the reception of American water-rotted hemp by the navy agents, and is, therefore, corroborative of the testimony as to the injustice of the rejection of the hemp offered by the claimant.

Jacob Hall, in his depositions, (Report C. C., Ho. Doc. 81, 34th Cong., 3d sess., page 21,) says :

"Mr. Myerle visited my place of residence in the summer of 1843. I was induced to water-rot a portion of my crop of hemp for three years in succession. I held on to my hemp until the third year, and then shipped it in one shipment of several tons to the east on my own account, declining to offer it to the government, on the ground that I *could not run the risk of having it rejected, to injure its reputation for sale, as other person's hemp had been.* My hemp sold in New York for \$196 per ton, equal in price to the best Russian hemp in that market at that time. It was, in my opinion, superior to the best Russian, and was one-third stronger."

James Story, in his deposition, in reference to hemp which he had prepared under the direction of the claimant, (same document, page 27,) says :

"*I have seen many specimens of Russian hemp, but never have seen any, in my opinion, as far as I can judge, as good as the specimen prepared as I have just stated ; and this was rejected ; and then I made up my mind that I could not make hemp for navy purposes, and quit the business.*"

The committee are satisfied that the claimant was unfairly and unjustly treated in the rejection of his hemp, and that it should have been received. If he had not been thwarted, as he was, by the unfair rejection of this hemp, and he had been allowed to fulfil his contract, he would have realized at least sixty-five thousand dollars profit. Jacob Hall, in his testimony, (Rep. C. C., Ho. Doc. 81, 34th Cong., 3d sess., page 9,) says that Mr. Myerle was paying from six to eight

dollars per hundred weight, which, taking seven dollars as an average, would have been one hundred and forty dollars per ton. James W. Roberts, in his deposition, (same document, page 21,) says that the freight and charges to Boston, per ton, was twenty dollars, making the cost of hemp to Mr. Myerle, at Boston, one hundred and sixty dollars per ton. The cost, therefore, of five hundred tons, delivered at Boston, would have been eighty thousand dollars. Five hundred tons, at three hundred dollars per ton, (the contract price,) would have brought him one hundred and fifty thousand dollars, which would have left a profit of seventy thousand, five thousand of which might have been abated for contingent expenses. So that he would have realized a profit of at least sixty-five thousand dollars if his hemp had not been unfairly rejected.

It appears that the claimant had faithfully made due preparation for the fulfilment of his contract. The testimony shows that in 1843 there were thrown into the market of St. Louis four hundred tons of water-rotted hemp, the production of which was the result of the efforts and encouragement of Mr. Myerle, and that fact shows that Mr. Myerle had effectually taken steps to be prepared for the fulfilment of his contract for the delivery of five hundred tons; but in consequence of the continued rejection of his hemp he was compelled to allow that hemp to go upon the market.

Henry Van Puhl, in his deposition, (Report C. C., Doc. 81, Ho. of Reps., 34th Cong., 3d sess.) says:

"The condition of feeling and opinion, so far as I have understood and believe, in Kentucky and Missouri, prior to 1840, as to the healthfulness or noxiousness of the water-rotting of hemp, was that it was deleterious to health. I have understood that David Myerle made great exertions in making experiments and inducing the farmers of Missouri to water-rot their hemp; as to what extent those experiments and exertions changed the feelings and opinions above alluded to, I cannot say; but can state that prior to 1840 the quantity of hemp raised in Missouri and Kentucky was quite limited. Since that time the quantity grown in Missouri has been greatly augmented. In 1842 the quantity brought to the St. Louis market did not fall far short of 4,000 tons of dew-rotted, but very little, if any, water-rotted. In 1843 there were from 5,000 to 6,000 tons of dew-rotted, and about 400 tons of water-rotted."

The rejection of Mr. Myerle's hemp threw it upon the market as a *condemned* article, and it was consequently sacrificed by being sold at a *ruinous* depreciation, and that depreciation was increased by the deeply seated prejudice existing in the minds of manufacturers against American hemp, in consequence of its having come into market, previous to Mr. Myerle's experiment, in such bad order and dew-rotted.—(See testimony of Wm. Caban, Rep. C. C., Ho. Doc. 81, 34th Cong., 3d sess., page 47; also letter of Sewall & Day, herein cited.)

James W. Roberts, in his deposition (Rep. C. C., Ho. Doc. 81, 34th Cong., 3d sess., page 39) in relation to the losses sustained by Mr. Myerle on his rejected hemp, says:

"Those shipments resulted in heavy losses to Myerle."

W. W. Thompson, deceased, in a letter to Mr. Myerle, which Jas.

W. Roberts makes part of his testimony, (same document, page 40,) in alluding to the losses on the hemp, says:

"Your losses in these shipments will be large."

It appears from the testimony that the claimant devoted a number of years of the prime of his life to the prosecution of this enterprise, and that he succeeded in its accomplishment only by the exercise of the most extraordinary energy and perseverance. Mr. Paulding says, in writing to the claimant:

"You had the best of all support—a reliance on Providence. I saw at once you would succeed, if any man could; and you did succeed where I verily believe not another man in the United States would have done so."

Hon. George E. Badger, in a letter addressed to Mr. Myerle, dated Navy Department, May 10, 1841, says:

"The patriotic spirit which prompted you to the great undertaking in which you are now employed, and the perseverance with which you have prosecuted it, deserve and have the commendation of the department."

In the report of the Secretary of the Navy, Hon. John Y. Mason, December 4, 1848, it is stated:

"The supply of hemp on hand, and deliverable under contracts already existing, render it unnecessary to advertise for any additional quantity for the present year. That American hemp can be prepared in quality equal to any in the world has been established by experiments under the most rigid tests."

Messrs. Lombard & Whitmore, merchants of Boston, in a letter to Mr. Myerle, dated Boston, December 16, 1844, say:

"You have for many years labored very industriously and successfully for the country in introducing the cultivation of hemp, in doing which your private fortune has been sacrificed. We are now reaping the advantages of your skill and enterprise, in a large supply of superior hemp for home use, and large exportations are also being made to foreign countries. One of our own ships recently cleared for London took out between 200 and 300 bales."

Messrs. Sewall & Day, extensive cordage manufacturers at Boston, in a letter addressed to Mr. Myerle, dated Boston, July 16, 1846, say:

"We have no doubt that your exertions to improve the quality of the hemp made when Mr. Paulding was secretary has contributed to the increased consumption of the article, inasmuch as previous to your attempts the American hemp brought to this market was of such a quality that it was next to impossible to manufacture it into tarred cordage of a quality that would command a remunerating price to the manufacturer. Since that period, however, the quality has steadily improved, and we now make an article that will compete, in all its essential qualities, strength, and durability, with the best Russian cordage."

"The result of this has already been to almost stop the importation of Russia hemp. * * * The importations of Russia hemp have decreased from 6,000 tons a few years since to as many hundreds."

"We hope, as you have been instrumental in improving the quality of hemp, that you may reap the benefit you deserve, by being amply

compensated by government for all the losses you have had to encounter in this great work, and for all the labor you have expended on it."

Jacob Hall, in his deposition, (Report C. C., Ho. Doc. No. 81, 34th Cong., 3d sess., page 20,) says:

"After he had broken down the prejudices against the process of water-rotting, which existed so strongly previous to his efforts, the farmers were preparing to enter largely into the business; and the prices which he was paying, from six to eight dollars per one hundred and twelve pounds cash, was satisfactory, and considered by them as an ample remuneration for their labor; but the frequent rejections of his hemp discouraged them, and, I am informed, caused his own ruin; and that his mode of operations were well calculated to produce incalculable benefits to the west, by giving a new impetus to the culture of hemp; that it has now become the principal staple of the State, so much so that large exportations are made to the east; that his untiring efforts in this great interest commended him to the confidence of the hemp-growers, and, as an evidence of this regard, I remember that in 1843 or 1844 I forwarded him a memorial signed by a large number of the most prominent of our hemp-growers and those who were engaged in its manufacture and shipment, expressing their high consideration for his efforts and sacrifices made in their behalf, with a recommendation also to the government and to the members of Congress representing our State, asking their interest in his behalf.

"I can say, further, that both the west and the country generally owe him a debt for the sacrifices he has made in promoting this great interest, and in making our country independent of a foreign production, and in enriching our agricultural interests of the west millions of dollars annually."

A letter of W. W. Thompson, deceased, which is part of the testimony of James W. Roberts, (same document, page 40,) says:

"It is with pleasure I state the efforts you have made in this State and the adjoining one for the promotion of the water-rotting process of hemp; and I can bear witness that your exertions have been untiring and have been of inestimable value to the whole section of the country, as viewed by the expressions of very many farmers who have called on you in this city. You have expended both time and money in the prosecution of this object, and I can say that you have succeeded most triumphantly in adding one more article to the great staples of the country."

Thomas E. Courtenay, in his testimony, (same document, page 41,) says:

"I know from my own knowledge that previous to 1842 the farmers of Missouri were much prejudiced against the culture of water-rotted hemp, and that Mr. Myerle was instrumental in a great measure in inducing farmers to adopt his process and plans, thereby producing an article of hemp pronounced by competent judges to be equal, if not superior, to the best Russian. I also know that Mr. Myerle spent much time and money in travelling through Missouri, the better to promote the culture of this important staple to our country. I also know that during the year 1843 he was engaged in preparing, hackling, and baling a large quantity of water-rotted hemp, which

I was informed he had purchased for the government of the United States. I can say that it was superior to any shipped from St. Louis."

James Story, in his deposition, (same document, page 26,) says:

"After he commenced, many persons greatly feared that it would create a pestilence in the county, and held public meetings for the purpose of getting him to discontinue his works, and threatened to tear down his works if he did not discontinue. Mr. Myerle was not in our village at the time. His superintendent (Mr. John Kilby) and myself prevailed on the people to await until I could write to Mr. Myerle, which I did. Mr. Myerle returned, and the people held another meeting, and he declared to them that if it proved unhealthy he would tear down his dams and abandon the work. They admitted this to be a fair offer, and agreed for him to go on with the work; and he did so, and overcame their prejudices entirely, and continued water-rotting until sometime in the winter."

General William O. Butler, of Kentucky, in a letter to Mr. Myerle, dated House of Representatives, April 18, 1842, says:

"I have received your letter of the 16th instant, requesting me to state my knowledge of the efforts made by you in the State of Kentucky in the process of water-rotting hemp for the use of the American navy. You are aware that personally I possess no information on the subject. I, however, take great pleasure in saying that, from the information of many gentlemen of high character and intelligence in that State, who are themselves hemp-growers, I have no hesitation in believing that you possess great skill, and have spent much time and money in your efforts to effect this truly national object. I regret much to find that your untiring zeal is not likely to meet with a proportionate reward."

Hon. Robert Wickliffe, of Kentucky, in a letter addressed to Mr. Myerle, dated Lexington, May 31, 1841, says:

"I trust that your patriotic exertions may not only be crowned with success, to the great prosperity and advantage of the nation, but that your own labors may be well rewarded in the end. One thing is certain—that is, both the State and nation will owe you gratitude for achieving what has failed heretofore."

George W. Carter, in a letter dated Woodford county, Kentucky, says:

"I know of my own knowledge you had every difficulty to contend against that could be thought of, and you also know that the neighbors even went so far as to threaten to shoot you and pull down your dams as fast as you would put them up, in consequence of these prejudices. Since which efforts, it has been uniformly adopted by all the farmers that have the suitable means for the business. * * * Your efforts have proven entirely satisfactory as to the practicability of the business, and has given a new impetus to the culture and management of hemp, and has been of incalculable advantage to the State of Kentucky and the hemp-growing country generally."

Henry Wallace, in his testimony, (same document, page 28,) says:

"Soon after said Myerle commenced his experiments in the neighborhood of Midway, Woodford county, Kentucky, where I then resided,

public feeling became aroused and excited, from an impression entertained by many that the water-rotting process was very deleterious and unhealthy, not only to those who worked at it, but to the whole neighborhood, and that the water in which it was rotted would kill all kinds of stock that might drink of it; and so prevalent was this state of feeling and opinion, and so violent and decided the opposition, that said claimant, Myerle, had much difficulty in procuring locations for his pools, and had to keep them up and prosecute his experiments against threats to destroy his pools and prevent his operations. Under that state of things, deponent says that said Myerle, unwilling to abandon his experiments, and continuing them, was compelled to pay double price for the hemp he used and for hands necessary in prosecuting his experiments.

The testimony shows that the claimant, in thus devoting the prime and flower of his life to the successful prosecution of an object of national concern, abandoned a lucrative private occupation as manufacturer of cordage, which was yielding him a handsome income, and promised him ultimately a liberal fortune. John Tanier, in his deposition, (Rep. C. C., Ho. Doc. 81, 34 Cong., page 61,) says: "I do not know what his liabilities were; he had no difficulties at that time that I know of; business was going on well, discharging all his contracts with his workmen; he could have manufactured, at an average, three tons per day at the different places, at a profit of \$60 per ton. I know at one time he did do it, before he neglected the establishment for the hemp experiment. I don't know exactly the amount he made in any one year."

Charles D. Loveland, in his deposition, (same document, page 43,) says: "David Myerle was in possession of a large rope-walk in the city of Louisville, Kentucky, an establishment very complete and valuable in its character, doing a large business in that line, which he abandoned to engage in the new project of water-rotting hemp, and he gave up his personal attendance to his manufacturing business in Louisville in 1839, according to the best of my recollection."

Willis Steuart, in a letter dated Louisville, July 4, 1839, says:

"I have received advices from our agents at New Orleans as to the quality of the cordage. The ship chandlers who have examined it there pronounced it to be of the very first quality, and say if they can obtain their supplies of us that they were done ordering from the north. Our agents say they can sell 500 tons a year; if so, we have only to push the business to insure a fortune. Our payments are all made up to the 25th day of August."

The same gentleman, in a letter to the Hon. J. C. Sprigg, a representative in Congress from Kentucky, says:

"In the year 1838 Mr. David Myerle erected a very extensive cordage manufactory near this place, and in the fall of that year commenced manufacturing; soon after which, Mr. Myerle was called to Washington on business connected with the water-rotting of hemp for the use of the navy, to the very great injury of the establishment; and from that day to this time has been constantly devoted to that object, to the total ruin of his own private interest."

Isaac H. Sturgeon, sub-treasurer at St. Louis, Missouri, in his depo-

sition, says: "In the year 1839 said Myerle left the cordage business to enter upon the experiment of demonstrating the practicability of supplying the navy with American water-rotted hemp; that in so doing he left the cordage factory in the hands of his partners, who were inexperienced in the business; that when said Myerle left the cordage business to embark in the hemp enterprise, his factory was doing a large, increasing, and, according to his recollection, profitable business; and that he believes that in consequence of the diversion of said Myerle's attention from the business it declined, the concern became involved, and the factory and appurtenances were swallowed up by the debts which accumulated, he has reason to believe, from the want of proper management. He further states that he believes said factory became a total loss to said Myerle to the extent of his interest, mainly, he believes, in consequence of his neglect of the business, by giving his time to attempts to demonstrate the fallacy of the prejudices existing against the process of water-rotting American hemp. He further states that said Myerle suffered serious pecuniary embarrassments, and became ruined by the rejection of the hemp which he offered for inspection under his contract with the Navy Department."

It further appears from the testimony that the claimant, when he embarked upon this hemp business, at the solicitation of the Secretary of the Navy, owned and possessed a large amount of property, all of which became involved and lost to him in consequence of the rejection of his hemp.

Isaac H. Sturgeon testifies that in the year 1838 the said Myerle built near Louisville, on the Ohio river, a rope and cordage factory; that the machinery was of the most complete and costly order, and driven by steam power; that there was attached an extensive tract of land, upon which was erected several dwelling-houses and out-buildings; that the said Myerle owned the said factory, buildings, and machinery, which were worth nearly sixty thousand dollars; that in the year 1838 the said Myerle sold two-thirds of said factory, buildings, and machinery, to Willis Stewart and John B. Bland, who became his partners in trade; that in the year 1839 said Myerle left the cordage business to enter upon the experiment of demonstrating the practicability of supplying the navy with American water-rotted hemp.

The same deponent, in his deposition, (Rep. C. C., Ho. Doc. 81, 34th Cong., page 55,) says:

"Then came the rejection of your hemp by the government, which broke you completely down pecuniarily. It is my belief that if you had never touched the water-rotting of hemp for the government, you would this day be a wealthy man instead of a man without means. I deeply regret your misfortunes, and know that you must keenly feel your present situation. When I first knew you, you were in easy circumstances—well off—and now, in about fifteen years' time, you are almost brought to want. Especially do I regret this when I know that your misfortunes were not the result of reckless extravagance, intemperance, or any bad habit; but from a patriotic desire on your part to promote the best interest of your country."

John Tanier, in his deposition on the same point, says:

"That he knows David Myerle; that he served as foreman for the said Myerle in the manufacture of cordage for a number of years; that he was foreman under him at Wheeling, Virginia, and afterwards at Louisville, Kentucky; that he, the said Myerle, owned an extensive and valuable cordage factory at Louisville, to which was attached a large and valuable tract of land, upon which were erected a number of dwellings and out-houses; that the machinery in said factory was of the most superior and costly character, and driven by steam; that the said Myerle also owned a factory, or steam patent cordage factory on the island opposite Wheeling, Virginia; and that the said Myerle owned the said factories at the time when he was employed by the Secretary of the Navy to break down the prejudices against water-rotting American hemp, and continued to own them until I left the concern in 1841; that he was at that time, when he was called to the hemp experiment, making costly preparation to establish a cordage factory at St. Louis, Missouri, having ordered the machinery at Pittsburg for that purpose; that the said factories at Louisville and Wheeling were capable of manufacturing three tons of cordage per day, at a profit of sixty dollars (\$60) per ton; that Mr. Myerle was, when called by the Secretary of the Navy to superintend or conduct the hemp experiment, devoting himself with such energy to the cordage business that he would, in all probability, if his attention had not been drawn off from that business, have realized, in the course of a few years, an immense fortune; that, in consequence of the diversion of his energy, intelligence, and capacity from the manufacture of cordage, his private business immediately began to decline, and soon went entirely to ruin, sweeping away, in the embarrassments which followed from the want of his attention, all of his property, and reduced him from a condition which might have been called wealthy down to a state of destitution and poverty.

The same deponent (Rep. C. C., House Doc. No. 81, 34th Congress, page 62) represents the interest of the claimant in the steam cordage factory at Louisville, Kentucky, as being worth over \$27,000. The same deponent (Rep. C. C., House Doc. No. 81, 34th Congress, page 63) represents the value of a steam patent cordage factory at Wheeling, Virginia, owned by Mr. Myerle, as being worth \$16,500. He also (same document, page 63) represents machinery, &c., owned by Mr. Myerle, at Pittsburg, as being worth \$2,300.

John M. Clarke, of Wheeling, Virginia, in his deposition, (same document, page 67,) says:

"I know that prior to the year 1841 (about the year 1837, I think) Mr. Myerle had a very extensive steam rope-walk on Zane's island, opposite to the city of Wheeling; I was at that time a part owner in the island. I was frequently in Mr. Myerle's factory, and, though I am not a judge of machinery and such work, I think that his establishment may have cost \$15,000, and it might have cost much more, perhaps \$20,000. Mr. Myerle abandoned his works in Wheeling some time subsequent to the year 1837, but for what reason I cannot, of my own knowledge, state; but this I do know, that it was the common rumor and report in Wheeling at the time that Mr. Myerle was compelled to give up on account of the failure of the government to

fulfil some contract made with him. I was a resident of the city of Wheeling from the year 1830 to the year 1843."

It further appears that the claimant, when he turned his attention from his private interests to embark in the hemp enterprise, owned sixteen and a fraction acres of land in St. Louis, Missouri, which was sold at a sacrifice to foreclose a mortgage, which mortgage, the claimant maintains, would have been satisfied from the avails of his cordage business if his attention had not been diverted from it by the hemp enterprise. From the testimony of Henry W. Williams, a real estate agent at St. Louis, (Rep. C. C., House Doc. No. 81, 34th Congress, page 69,) it appears that the said land is now worth as much as \$50,000, and the claimant maintains that the said real estate was sacrificed to his devotion to the hemp enterprise on behalf of the government, and that its value should be calculated in the estimate of his losses.

Mr. Paulding, in employing the claimant to embark upon the enterprise of demonstrating the practicability of water-rotting American hemp, was governed by a desire to confer a great and lasting benefit upon the country. He says, in his deposition, page —, that while presiding over the Navy Department his mind had been frequently drawn to a consideration of the practicability of procuring a supply of American water-rotted hemp adequate to the wants of the United States navy, and thus rendering it independent of foreign nations for that indispensable article; and that it was within his official knowledge that by more than one of his predecessors, as well as Congress, attempts had been made for the attainment of that object, but had invariably failed. He further says, in the same deposition, in reference to his transactions with the claimant, that advertisements for proposals were not issued, nor was any security demanded for the fulfilment of the contract, as the whole affair was regarded as an experiment, made with a view to settle a question of great national importance; that his object, in thus departing from the usual mode of making contracts, was not merely to procure a temporary supply of American water-rotted hemp, but to remove, if possible, that prevailing impression or prejudice against the process of water-rotting which was the great obstacle to its production, and at the same time demonstrate the practicability of preparing a domestic article which would successfully compete with the first quality of Russian hemp.

Hemp, being an important article of naval equipment, and indispensably necessary to the efficiency of a naval force, it was quite natural, and consistent with a sense of public duty, on the part of the Secretary of the Navy, to feel a solicitude for the establishment of a domestic resource for an ample supply of a staple of such indispensable importance to the arm of the public service over which he presided.

Previous to entering into contracts with the claimant, Mr. Paulding officially consulted the Hon. Felix Grundy, then Attorney General of the United States, as to the discretionary power of the Secretary of the Navy in making contracts for the supply of materials, on the quality of which the safety of vessels of war mainly depended. It also appears, from the testimony, that Mr. Paulding, subsequent to his having contracted with the claimant, in order to afford him every rea-

sonable facility in the prosecution of his undertaking, requested the Hon. James Buchanan, then a member of the Senate of the United States, to offer a resolution to enable the Secretary of the Navy to make advances to the claimant, from time to time, to the amount of twenty-five thousand dollars; which resolution passed the Senate, but failed in the House for the want of time, as he then understood. Thus it appears that his course in the transaction was advised by the Attorney General and sanctioned by the Senate of the United States.

Anterior to the embarkation of the claimant on the enterprise of demonstrating the fallacy of the prejudice against the process of water-rotting hemp in our country we were entirely dependent on a foreign market for a supply of hemp for our naval and commercial marine. Importations from the Baltic had previously been our entire dependence. The anxiety felt to render us independent in that particular seems to have been manifested in extraordinary efforts to induce the producers of hemp to prepare it by water-rotting for manufacturing purposes, but so strong were the prejudices against the process that all efforts failed. Wm. Caban, an adverse witness, in his deposition, (Rep. C. C., Doc. 81, 34th Congress, 3d Sess., page 47,) says, while testifying in regard to the hemp which was offered by the claimant for inspection:

“This was the first lot of American water-rotted hemp I ever knew offered to the government, nor did I know of any in the market at the time. I had seen a few specimens of Connecticut water-rotted hemp, some years before, when the *government gave a bounty for it, but it had gone out of the market after the bounty had ceased.*”

So, it appears that even the extraordinary expedient of offering a bounty to stimulate the production and preparation of the article failed of accomplishing the object; for so soon as the bounty ceased the overruling prejudice against the process resumed its sway.

At the time at which Mr. Paulding, as Secretary of the Navy, induced the claimant to embark upon this enterprise, our country was threatened with a war with Great Britain, growing out of the difficulty of settling the northeastern boundary question; and in the event of such a war, the Baltic, through which we obtained our entire supply of hemp, would have been closed against us. That circumstance, doubtless, operated upon the mind of Mr. Paulding in his great desire to establish a domestic resource upon which we might safely and independently rely. He seems, in his effort to accomplish this object, to have been prompted by a spirit of patriotism, and to have acted under the full conviction that he was not transcending his lawful authority in the means which he employed. His whole course, in the opinion of the committee, stands commended to the approval of the country; and his engagements with the claimant, so far as they remain unredeemed, should be recognized and fulfilled by the government.

The claimant conscious that the prosecution of the enterprise would be attended with great difficulties, and would probably involve him in serious losses, expressed an unwillingness to enter upon it. The Secretary of the Navy, in order to overcome that reluctance, gave him contracts for such a quantity of hemp, and at such a price, as would

probably afford him an adequate remuneration in the event of success, and assured him that the department would take care he should be recompensed for any loss he might ultimately sustain in consequence of a *failure* of the experiment. Mr. Paulding, in his deposition, avers that he resigned his station at the head of the Navy Department just about the period at which the rejection of the hemp of the claimant took place, and that had he remained in office he would have taken effectual measures to remedy, as far as possible, the injustice of the decision of the inspectors at Boston, by causing the hemp to be received, as he was then and still is of opinion that the superiority of claimant's hemp, in strength, more than counterbalanced any alleged inferiority in cleanliness, and that he had substantially fulfilled his contract according to the understanding of the parties.

Had the hemp of the claimant been received he would have realized a profit of sixty-five thousand dollars as a remuneration for the time and means which he had sacrificed in the accomplishment of the great object for which his services were solicited and secured. He was assured that he should be indemnified against loss, *even in the event of a failure*. He did not fail, but achieved a complete success—a success which not only rendered us independent of foreign countries for an ample supply of the best hemp in the world, for our naval and commercial marine, but also stimulated and developed an important agricultural interest in our country, whereby millions of dollars, which were annually sent abroad in purchase of our hemp supplies, are now expended at home, and contribute to the general wealth and prosperity of the country. Mr. Paulding says, “you did succeed, where I verily believe not another man in the United States would have done so.” Yet this *success* has not elicited the fulfilment of the pledge of indemnity which was made the claimant, even in the event of *failure*.

It appears, from the testimony embraced in this report, that the hemp offered by the claimant for inspection was unduly and unjustly rejected, and that he was thereby not only unfairly deprived of the profits which he would have realized from the fulfilment of his contract, but consequently embarrassed and entirely ruined. The testimony establishes the fact that the claimant, in order to embark upon the enterprise at the earnest solicitation of a high functionary of the government, so diverted his attention from a lucrative manufacturing pursuit, which promised him to yield him an ample fortune, that it fell into decay and went to ruin. It further appears that he was the owner of a large amount of property, exceeding the value of fifty thousand dollars, which seems to have been sacrificed and lost through his devotion to the hemp enterprise in behalf of the government; and that he devoted to this object of great national concern a considerable portion of the prime of his life, during which time he manifested a degree of zeal, business capacity, and courage, both moral and physical, which, if confined to his private pursuit, for the same period of time, could scarcely have failed to prove the source of a liberal wealth.

The committee, having traced the legislative history of this claim, find that its justice has been recognized by seventeen favorable reports from committees in Congress, and that it has repeatedly passed, sep-

arately, both the Senate and House of Representatives, but never concurrently, so as to consummate the proposed relief.

The Court of Claims, after a thorough and elaborate examination, have commended it to the favorable consideration of Congress. In the conclusion of their opinion reviewing the case, (Rep. C. C., Ho. Doc. 81, 34th Cong., 3d sess., page 88,) they say:

“The evidence tends to show that an active and enterprising man of business became embarrassed in his circumstances, and was deprived of the just and fair profits of an honest occupation, by his efforts to promote a matter of national concern. We submit the whole matter to the consideration of Congress, for such action as they, under all the circumstances, shall consider just and equitable.”

For sixteen years the claimant has been struggling with embarrassment and adversity, entailed upon him by sacrifices made and losses sustained in the prosecution of this enterprise. During that entire period he has been before Congress, seeking in vain a merited relief, not a *bounty*, but a reparation of injuries sustained in the accomplishment of an object of national concern, the benefit of which the country has for years been enjoying. He is now old, poor, afflicted with blindness, and threatened with the infirmities incident to advanced age. These considerations unite with the merits of the claim in imploring at the hands of the government an immediate relief. The committee, therefore, report a bill, the amount of which they consider inadequate to the losses sustained by the claimant in conferring a great benefit upon the country.

